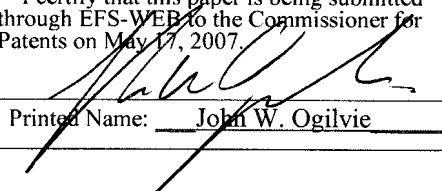


IN THE UNITED STATES PATENT & TRADEMARK OFFICE

<p>ART UNIT: 2155</p> <p>EXAMINER: Thu Ha Nguyen</p> <p>APPLICANT: Sanchaita Datta and Ragula Bhaskar</p> <p>SERIAL NO.: 10/034,197</p> <p>FILED: December 28, 2001</p> <p>FOR: COMBINING CONNECTIONS FOR PARALLEL ACCESS TO MULTIPLE FRAME RELAY AND OTHER PRIVATE NETWORKS</p>	<p>REPLY BRIEF</p> <div><p><u>CERTIFICATE OF TRANSMISSION</u></p><p>I certify that this paper is being submitted through EFS-WEB to the Commissioner for Patents on May 17, 2007.</p><p>Printed Name: John W. Ogilvie</p></div>
--	---

Commissioner for Patents:

In reply to the Examiner's Answer mailed 05/04/2007, and more specifically in reply to the Examiner's arguments regarding points (A) through (I) on pages 18-24 of the Examiner's Answer, the Board's attention is respectfully directed to pages 12-16 of the Fourth Revised Substitute Appeal Brief filed on March 6, 2007.

In addition, Appellants respectfully submit that the rejections are improper under the recent decision in *KSR Int'l. v. Teleflex*, 550 U.S. __ (2007). In *KSR*, the Court emphasizes the continuing importance of the analytic factors set out in *Graham v. John Deere*, 383 U.S. 1 (1966). One of *Graham*'s requirements is that the "level of ordinary skill in the art [be] resolved." But the rejections provide little or no analysis of the level of ordinary skill, and no evidence regarding it. This

failure illustrates the insistence on selecting features of the references that appear in the claims, while ignoring other more prominent features, to cobble together something resembling the claimed invention. Thus, the rejections brush aside Albright's teaching of network-to-network interfaces, in order to highlight the presence of frame relay networks, even though those frame relay networks are not in parallel and – given the nature of network-to-network interfaces – are arranged serially. The difference between parallel and serial circuits is a basic one, which would have led one of skill away from Albright when parallelism is important.

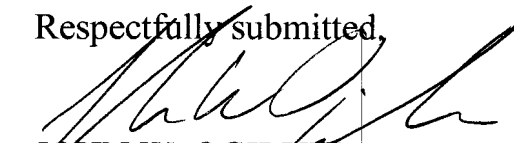
In *KSR*, the Court also recognizes that “a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.” *KSR*, slip opinion at 14. Appellants' arguments rebutting the attempted combination of Kitai and Albright, for example, compel withdrawal of the rejections under *KSR*, just as they did under the teaching, suggestion, or motivation analysis. Parallelism is a key feature of the claimed invention. Albright deals with serial networks, an undisputed fact which would have led one of skill away from combining Albright with Kitai to create the claimed invention with parallel private networks.

If the Board requests a detailed briefing on the application of *KSR* to the facts of the present application, the undersigned prepare and will submit such a briefing. If not, expedited action by the Board is respectfully requested, as this application was made special on October 8, 2003.

For at least the reasons explained above and elsewhere in the appeal, all rejections should be withdrawn or reversed.

Dated this May 17, 2007.

Respectfully submitted,



JOHN W. OGILVIE
Registration No. 37,987

OGILVIE LAW FIRM
Customer No. 23484
1320 East Laird Avenue
Salt Lake City, Utah 84105
801-706-2546 (voice)
801-583-0393 (fax)